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Preparing to Establish Take Reduction Teams

Under the 1994 Amendments to the Marine Mammal Protection Act of 1972 (MMPA), the NMFS must establish Take Reduction Teams for strategic stocks of marine mammals which interact with Category I or II fisheries. These are fisheries that interact frequently or occasionally with marine mammal stocks that are designated as endangered or threatened under the Endangered Species Act, depleted under the MMPA, or whose level of human-caused mortality exceeds the stock's calculated Potential Biological Removal. Take Reduction Teams are to produce Take Reduction Plans designed to lower the levels of mortality caused by incidental interactions between the above commercial fisheries and marine mammal stocks. The Teams are to be made up of individuals who represent the span of interests and affected parties impacted by these decisions, including the commercial and recreational fishing industries, management councils, interstate commissions, academic and scientific organizations, state officials, native Alaskans or other Native American interests if appropriate, environmental groups and NMFS representatives.

In February, NMFS initiated an effort to develop a formal process for establishing Take Reduction Teams capable of developing plans that consider all available options, both voluntary and mandatory, for reducing incidental takes. The wide range of interests that will be involved in developing plans will make the process of achieving consensus for bycatch reduction a challenging task. To ensure that the Take Reduction Team process is unbiased, NMFS contracted with dispute resolution professionals to design general guidelines and procedures for Team composition and operations, and to make recommendations for establishing two "pilot" Take Reduction Teams to address bycatch of New England harbor porpoise and Mid-Atlantic coastal bottlenose dolphins.

In March, NMFS contracted with Resolve, Inc., a professional dispute resolution company, to

develop recommendations for establishing the aforementioned "pilot" Take Reduction Teams. Potentially interested parties were interviewed by Resolve and asked to provide their views on marine mammal bycatch issues and what their role might be on a Team. Many individuals interviewed expressed their interest in having a neutral facilitator convene Team meetings in order to ensure that the views of all Team members were given equal weight. Subsequently, Resolve provided the NMFS with a "how-to" guide for the establishment and conducting of future Take Reduction Teams and final recommendations regarding the "pilot" Teams. The NMFS is confident that these products and the addition of a professional facilitator to the Take Reduction Team process will greatly improve the chances of achieving consensus when developing plans to reduce marine mammal bycatch in commercial fisheries.

Presently, a review of the preliminary Stock Assessment Reports indicates that six Take Reduction Teams may be necessary to develop the necessary Plans required under the MMPA. Teams may be established for 1) the Gulf of Maine/Bay of Fundy harbor porpoise, 2) Atlantic offshore pelagic cetaceans, 3) Atlantic large baleen whales, 4) mid-Atlantic bottlenose dolphins, 5) Alaska marine mammals, and 6) Pacific cetaceans. Once a final determination is made on the number and scope of necessary Take Reduction Teams, NMFS anticipates contracting with a professional dispute resolution service to establish Teams and facilitate Team meetings. For general information, contact Mike Payne or Robyn Angliss (301/713-2322).

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Pinniped Predation Working Group

As reported in the last Bulletin ([February 1995](#)), NMFS established a scientific working group to examine the impacts of California sea lions and Pacific harbor seals on Pacific salmonids, other fish and coastal environments of California, Washington and Oregon. Under the 1994 Amendments, NMFS is required to produce a report for Congress addressing identified issues and/or problems.

The Working Group, comprised of marine mammal and salmon biologists from the NMFS and state fisheries agencies, held its first meeting on February 27-28 at the Northwest Fisheries Science Center in Seattle, Washington. The primary focus of this meeting's agenda was to discuss the organization and scheduling of the investigation, and to identify sources of scientific information and documented data on marine mammal-anadromous fish interactions. In addition, the public was invited to attend this first meeting to receive an overview of the proposed investigation and the report process, receive answers to their questions, and to provide any comments or documentation of interactions for consideration by Working Group members.

In preparation for developing the report, Working Group members are presently undertaking a literature search and reviewing scientific documentation and studies on predation, behavior and status of California sea lions and Pacific harbor seals, and the status of salmonids on the west

coast. The report is slated for completion in October 1995 and will be made available for public comment and review. The Pacific States Marine Fisheries Commission will review this report on behalf of the States of Washington, Oregon and California, and the NMFS will enter discussions with the Commission to address any issues or problems identified in the scientific report and develop recommendations to address such issues or problems. The scientific report and any recommendations will subsequently be submitted to Congress.

The Working Group is soliciting information from the public documenting interactions and impacts of California sea lions and harbor seals on salmonids and coastal ecosystems. If you have relevant information contact Linda Jones, NMFS Northwest Fisheries Science Center, (206/860-3200), or send the information in a letter to Joe Scordino, Northwest Regional Office, National Marine Fisheries Service, 7600 Sand Point Way NE., Seattle WA 98115, or to James Lecky, Southwest Regional Office, National Marine Fisheries Service, 501 West Ocean Blvd., Suite 4200, Long Beach CA 90802-4213.

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The Gulf of Maine Salmon Aquaculture-Pinniped Interaction Task Force

As required under the 1994 Amendments, NMFS has established a Salmon Aquaculture-Pinniped Interaction Task Force. This seven member Task Force, comprised of individuals representing academia, industry, conservation and animal protection interests, is charged with examining and reporting on the issues and problems of seals interacting in a dangerous and damaging manner with salmon aquaculture resources in the Gulf of Maine. A final report is to be completed by April 1996 and submitted to Congress.

On March 23 & 24, the Task Force held its first meeting in Eastport, Maine. This meeting was dedicated to fact finding. The Task Force visited three pen operations of various size and design, and spoke with site managers about seal attacks. The Task Force reviewed and discussed materials regarding predation, deterrence, the economics of aquaculture in the global market and in Downeast Maine, predation management and mitigation policies worldwide, and seal behavior, population, and distribution. The task force identified a number of areas in which more refined information is needed and began to outline a report. The Task Force hopes to submit this report to the NMFS by October 1995. After sufficient public review and comment, NMFS will identify and recommend preferred mitigation alternatives as part of its final report to Congress.

The Task Force is planning a second meeting in Eastport, Maine, from May 31-June 2, 1995. The first day will be dedicated to public comment. It is hoped that stakeholders and numerous industry representatives will participate. Discussions on the remaining days will focus on fleshing out the report. Contact Dan Morris (508/281-9254) for further information.

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Bering Sea Ecosystem Study

The 1994 Amendments require NMFS to undertake a scientific research program to monitor the health and stability of the Bering Sea Ecosystem, and to identify and address uncertainties concerning the causes of population declines of marine mammals, sea birds and other living resources in the ecosystem. As a first step, the NMFS Alaska Fisheries Science Center has developed a draft Bering Sea Ecosystem Study Plan which outlines a holistic research program for the Bering Sea. The draft Study Plan has been distributed to Alaska Native Groups, the Marine Mammal Commission, the Department of Interior (Fish and Wildlife Service and National Biological Survey) and the State of Alaska for review. The Plan will be discussed with these groups at a Bering Sea Ecosystem Study workshop to be held in Anchorage, Alaska, June 14-15, 1995. Contact Ned Cyr (301/713-2322) for additional information.

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Gulf of Maine Ecosystem Workshop and Conference

The NMFS is planning a Conference on Marine Mammal and Fisheries Habitats in the Gulf of Maine, September 18-20, 1995. The purpose of the Conference will be to assess human-caused factors affecting the health and stability of the Gulf of Maine Ecosystem. The Conference will also make recommendations for a research and management program to restore or maintain the ecosystem and its key components. The Conference will be held in consultation with the Marine Mammal Commission, the adjacent coastal States, individuals with expertise in marine mammal biology and ecology, representatives from environmental organizations, the fishing industry and other appropriate individuals. Contact Ned Cyr (301/713-2322) for additional information.

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In the Pipeline...

! -Non-Lethal Deterrence Measures: The MMPA Amendments allow persons to deter marine mammals from damaging public or private property (including commercial fishing catch or gear), or endangering public safety, as long as the animal is not killed or injured. A proposed rule to implement this provision was published in early May. This proposal specifies guidelines for safely deterring marine mammals and prohibits certain deterrent measures that may have a significant adverse impact on marine mammals. NMFS also released an Environmental

Assessment for public comment at the same time as the proposed rule. NMFS requests individuals identified as having expertise in marine mammal/human interactions to comment on the rule and suggest additional improvements. NMFS is also interested in public participation in designing the final regulations and guidelines. For more information, contact Ken Hollingshead (301/713-2055), Doug Beach or Dan Morris, NMFS Northeast Region, (508/281-9254).

- ! **Stock Assessment Reports:** Draft Stock Assessment Reports were published in the Federal Register in November of 1994. The drafts have been finalized and are currently being edited for consistency by NMFS Headquarters staff. The NMFS anticipates that an announcement of availability of the final Stock Assessment Reports will be published in the Federal Register near the end of May, 1995. Contact Tom Eagle (301/713-2322) for additional information.
- ! **Regulations governing Interactions Between Marine Mammals and Commercial Fisheries:** The regulations that implement section 118 of the MMPA and govern interactions between marine mammals and commercial fisheries are currently being finalized, along with the associated Environmental Assessment. A new List of Fisheries is being prepared concurrently and will be included in the new regulations. A proposed rule for these new regulations is expected to be completed in late May or early June. The regulations implementing section 118 of the MMPA will replace the regulations under the old section 114, the Interim Exemption for Commercial Fisheries. Contact Robyn Angliss (301/713-2322) for additional information.
- ! **Registration and Reporting:** Under the 1994 Amendments to the MMPA, new forms must be developed for vessel registration and for reporting marine mammal incidental takes in commercial fisheries. Designs for these forms are currently being considered. Send suggestions to Wanda Cain, NMFS, Office of Protected Resources, Marine Mammal Division, 1315 East-West Highway, Silver Spring, MD 20910, or call (301/713-2055) for additional information.

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Notification of Marine Mammal Transports and Captive Inventory Changes

Under the 1994 Amendments to the Marine Mammal Protection Act of 1972 (MMPA), holders of marine mammals are required to provide at least 15-days notice prior to the transport, purchase/sale, or export of marine mammals, and to notify NMFS of any captive births and deaths. The Amendments also require that an inventory of captive marine mammals be established and maintained. Although NMFS has maintained a computer-based inventory of captive marine mammals since the early 1980 s, this new statutory mandate combined with the elimination of a permit requirement for holding marine mammals for public display purposes increases significantly the importance of this inventory and its accuracy. In February, all active holders of marine mammals listed on NMFS s existing Marine Mammal Inventory were mailed two formats